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ATTORNEYS FOR PLAINTIFF AND THE PROPOSED CLASS

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DANNY WANEK and JUAN DUARTE, as
representatives of a class of similarly situated
persons, and on behalf of the Caesars
Entertainment Corporation Savings &
Retirement Plan,

Plaintiffs,

v.

RUSSELL INVESTMENTS TRUST
COMPANY, CAESARS HOLDINGS, INC.,
THE PLAN INVESTMENT COMMITTEE,
and THE 401(K) PLAN COMMITTEE.

Defendants.

Case No. 2:21-cv-00961-CDS-BNW

**STIPULATION REGARDING
BRIEFING SCHEDULES**

**(FIRST REQUEST FOR SUBJECT
DEADLINES)**

1 Plaintiffs Danny Wanek and Juan Duarte (“Plaintiffs”), as representatives of a class of
2 similarly situated persons, and on behalf of the Caesars Entertainment Corporation Savings &
3 Retirement Plan, and Defendants Russell Investments Trust Company, Caesars Holdings, Inc., the
4 Plan Investment Committee, and the 401(k) Plan Committee (“Defendants”) (collectively, the
5 “Parties”), by and through their undersigned counsel, hereby stipulate and agree as follows:

6 WHEREAS, Plaintiffs filed their Motion for Leave to File the Fourth Amended Complaint
7 (ECF No. 131) on October 17, 2023, within the deadline agreed-upon by the parties and ordered
8 by the Court (ECF No. 63);

9 WHEREAS, Plaintiffs filed their Motion for Class Certification (ECF No. 133) on October
10 17, 2023, within the deadline agreed-upon by the parties and ordered by the Court (ECF No. 63);

11 WHEREAS, Plaintiffs filed a Motion to Seal Documents that Defendants have designated
12 as confidential (ECF No. 135) on October 17, 2023;

13 WHEREAS, pursuant to Ninth Circuit caselaw, the trial court must rule on a pending motion
14 to amend before considering a motion for class certification. *See, e.g., Tan v. Quick Box, LLC*, 2022
15 WL 17184568, at *2 (S.D. Cal. Nov. 23, 2022) (noting that “[a]n amended complaint may moot
16 the motion for class certification because an amended complaint supersedes the original complaint
17 so that the original complaint is treated as non-existent”) (citing *Ramirez v. Cty. of San Bernardino*,
18 806 F.3d 1002, 1008 (9th Cir. 2015)); *Dean v. Colgate-Palmolive Co.*, 2017 WL 11585683, at *5
19 (C.D. Cal. May 15, 2017) (explaining that “an amended complaint would moot the Motion for Class
20 Certification”); *Burchfield v. Corel Corp.*, 2013 WL 12120088 (N.D. Cal. Sept. 12, 2013) (finding
21 that class certification motion was “rendered moot” based on amendment of complaint).

22 WHEREAS, Defendants’ opposition to Plaintiffs’ Motion for Leave to File the Fourth
23 Amended Complaint is currently due October 31, 2023, and Plaintiffs’ reply in support of their
24 motion would be due November 7, 2023;

25 WHEREAS, Defendants’ response to the Motion to Seal Documents is currently due
26 October 31, 2023;

27 WHEREAS, the parties aver that there is good cause to reasonably extend the above
28 deadlines for briefing related to the motion to amend and the motion to seal to allow Defendants

sufficient time to respond to the issues raised in each motion, and to allow Plaintiffs sufficient time to address the issues raised in Defendants' responses;

WHEREAS, the parties aver that there is good cause to postpone class certification briefing until the Court has ruled on the motion to amend, and that the parties are willing to meet and confer and submit a proposed schedule for briefing Plaintiffs' motion for class certification within 14 days of the Court's ruling on the motion to amend;

WHEREAS, counsel for the parties have conferred and agreed to the following briefing schedule for the motion to amend and motion to seal:

Event	Proposed Date
Deadline for Defendants to respond to the Motion to Seal Documents	November 14, 2023
Deadline for Defendants to oppose Plaintiffs' Motion for Leave to File the Fourth Amended Complaint	November 22, 2023
Deadline for Plaintiffs to file reply in support of their motion for Leave to File the Fourth Amended Complaint	December 6, 2023

WHEREAS, this stipulation is not made for purposes of delay; and

WHEREAS, this is the first request for an extension of time for the subject deadlines;

IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that (1) the deadline for Defendants to respond to the Motion to Seal Documents shall be November 14, 2023; (2) the deadline for Defendants to oppose Plaintiffs' Motion for Leave to File the Fourth Amended Complaint shall be November 22, 2023; (3) the deadline for Plaintiffs to file reply in support of their motion for Leave to File the Fourth Amended Complaint shall be December 6, 2023; (4) within 14 days of the Court's ruling on the motion to amend, the parties will meet and confer and submit a proposed schedule for briefing deadlines on Plaintiffs' motion for class certification.

1 Dated: October 27, 2023

2 NICHOLS KASTER, PLLP

3 /s/ Benjamin J. Bauer

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Dated: October 27, 2023

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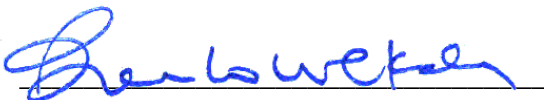
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*Attorneys for Defendant Russell Investments
Trust Company*

DATED: 10/30/2023

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE
UNITED STATES MAGISTRATE JUDGE